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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 718th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 6 June 2001, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Monaco (continued) (CRC/C/28/Add.15; CRC/C/Q/MON/1); written replies of Monaco to the questions in the list of issues (document without a symbol distributed in the meeting room in English and French)

1. At the invitation of the Chairperson, the members of the delegation of Monaco took places at the Committee table.

2. Mr. FAUTRIER (Monaco) said that of the 6,049 children attending school in Monaco, there were 2,711 girls and 3,338 boys, a proportion corresponding to the gender ratio among the population aged under 24 as recorded in the general population census.

3. On the question of the representation of foreigners in Monaco, a distinction had to be made between political representation and economic and social representation. In the first case, only citizens of Monaco had the right to vote in parliamentary or municipal elections. However, no distinction was made as to the nationality of the persons concerned with regard to representation within economic bodies, such as the Economic and Social Council, or those responsible for social security management or worker representation in companies, for example.

4. Ms. GASTAUD (Monaco) said that the Convention was not included in any compulsory course taught in school. In practice, given the ease with which information circulated in Monaco, it could be supposed that all Monegasque children were aware of the existence and the main principles of the Convention. Nonetheless, the Monegasque authorities were going to examine the possibility of introducing the Convention into the school curriculum, possibly as part of the civics course.

5. With regard to freedom of opinion and expression among schoolchildren, it should be pointed out that from the first year of secondary school, class delegates were chosen from among the pupils to serve as links with the teachers. When pupils had particular problems, they could approach not only teachers but also social workers, psychologists and school nurses, as well as school doctors, who saw each child once a year.

6. There was no discrimination where schoolchildren were concerned since all had the right to free education within the state system. Within the family, on the other hand, the principle of paternal power was, in theory, still recognized in civil law. In practice, mothers had a say in their children's education and a system of mediation had been introduced to enable the two parents to exercise equal rights if a disagreement arose concerning the education of their children. In accordance with the principle of paternal power, it was the father who received the various family benefits, such as schooling allowance, holiday allowance or family allowance. However, when for whatever reason the father could not draw the benefits, it was the mother who received them.

7. Mr. FAUTRIER (Monaco) said that discrimination in the way nationality was transmitted had been progressively diminished by various laws adopted over the preceding 10 years. Equality between father and mother was not yet perfect since, according to the law, the mother had to be born Monegasque or have a Monegasque ancestor to transmit the nationality to her children. A bill aimed at ending the discrimination in question was before the current session of the Parliament.

8. With regard to adoption, Monegasque legislation was based on that applied in most of the neighbouring countries, so that there was no possibility of the adopted child getting to know the identity of his or her parents if the latter wished to remain anonymous. That circumstance was however very theoretical in Monaco, as because of the advantageous situation of the country with regard to social security, no case of child abandonment had occurred to date. On the other hand, foreign children were regularly adopted by Monegasque citizens, and those children were then subject to the legislation of their countries of origin if they wished to take steps to discover the identity of their natural parents.

9. Ms. GASTAUD (Monaco) pointed out that children and parents were very close in Monegasque society, and there was consequently a continuous dialogue between them. The privacy of children was of course protected, which did not prevent any problem that arose, mistreatment say, from being rapidly detected given the scale of educational and social services.

10. Mr. FAUTRIER (Monaco) added that paragraph 69 of the report, according to which "protection of children's privacy does not prejudice the right of parents to monitor and supervise their children" had probably been drafted by officials concerned with the legal and administrative aspect of the question and that, in practice, as in most Western countries, children enjoyed a great many freedoms.

11. He moreover confirmed that his country had acceded to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and that the instrument in question had become enforceable in Monaco in October 1999.

12. Ms. GASTAUD (Monaco) said that family benefits included family allowances, maternity allowance and birth grant, which were paid to all children regardless of their parents' means. There were also supplementary benefits, paid according to the level of the parents' resources and enabling them, for example, to meet the cost of school meals, as well as special grants paid in cases of emergency or temporary difficulties.

13. Mr. FAUTRIER (Monaco), addressing the question of illicit transfer and non-return referred to in paragraphs 89 and 90 of the report, explained that several cases had not been resolved satisfactorily despite the good will of the Monegasque authorities. No child concerned lived on Monegasque territory, but there were disputes of the opposite kind, including some involving countries with which bilateral cooperation agreements existed, for example Switzerland. Generally, the problem was linked to the fact that contradictory judgements had been reached in Monaco and the other country concerned.

14. Ms. GASTAUD (Monaco) said that the Monegasque authorities were in the process of establishing centres where parents whose authority was being challenged, those resident abroad and those not in full possession of their faculties could see their child in the presence of a third party.

15. Mr. FAUTRIER (Monaco) said that, with regard to freedom of thought and religion, religious practice was on the decline in Monaco, as in most Western countries. Everyone was free to practise if he or she wished to do so. There were religious associations that provided young people, who joined them on a volunteer basis, with life training based on religious principles. No case of abuse of parental authority had been reported in that area. Under the Constitution, Catholicism was still the official religion of the Principality and religious education was provided in school, but only in the form of an option.

16. Ms. GASTAUD (Monaco) said that the notion of paternal power had not yet been replaced by that of parental authority, as it existed in French law. In practice, parents exercised their parental responsibilities jointly, particularly if they lived in the same household. In the event of divorce, each of them was kept informed of the child's progress in school, with neither being given precedence over the other. The law admittedly made provision for assistance to mothers who wished to remain at home to bring up their children, but fathers could also benefit from that entitlement. Where parents failed to fulfil their obligations, educators and social workers could help them to do so.

17. The State party was trying to diversify childminding provision, in particular by developing a system of day care in the parental home, alongside the network of community and family crèches. The association "SOS Future mère", which had been in existence for many years, no longer did more than provide occasional assistance to mothers experiencing financial difficulties.

18. On the subject of violence, which did not pose a serious problem in Monaco, arrangements were being made to introduce an information and prevention programme, and meetings had been organized between specialist doctors and teachers; the measures concerned were also aimed at latent violence in some young people. No cases of corporal punishment in school had been reported, but it went without saying that measures would be taken, where necessary, to sanction anyone committing such acts.

19. Mr. FAUTRIER (Monaco) reported that there was no body specifically responsible for monitoring the application of the Convention. However, within the Department of the Interior, the meeting of department heads, including the directors of health and social policy and education, youth and sport, together with the Government Counsellor for the Interior, were in charge of coordinating and implementing the provisions for applying the Convention.

20. There was no minimum legal age for admission to employment. In practice, as a result of recruitment authorization and work permit procedures, permits were never granted to children under 14 years of age. The 24 contracts at issue exclusively concerned children from 14 to 16 working in their parents' businesses under the supervision of the labour inspection and occupational health services.

21. Monaco's reservation to article 40, paragraph 2 (b) (v), had been entered to protect a point of law. That having been said, the double-hearing principle applied to any court action against a child for an infraction or offence. On the other hand, there could be no appeal against penalties handed down by the criminal court, which ruled in the first and last resort. Nonetheless, an appeal could be filed in the Review Court, the only court authorized to overrule such a judgement. In any event, no act categorized as a crime had been imputed to a child in Monaco for a very long time.

22. Ms. GASTAUD (Monaco) said that the AIDS test centre, which came under the Department of Health and Social Promotion (DASS), provided free and confidential services to all, including minors and persons not resident in the Principality. Every year, on the occasion of World AIDS Day, visits were organized for school pupils, during which they put questions to doctors and nurses at the centre, without their teachers being present.

23. With regard to adoption, the child's consent was needed only for teenagers. As to adoptive legitimation, which was conferred in most cases, the law provided that a child under five must have been previously abandoned in accordance with the official procedure in force in the country of origin and that such abandonment must be confirmed by a Monegasque judge before the adoption could be granted. Lastly, any child could be heard by the guardianship judge. National education and DASS staff could assist minors in their representations to the courts or police.

24. Mr. FAUTRIER (Monaco), addressing children's participation in school life, said that the class representative served as intermediary for solving problems that arose with teachers or the administration, especially with regard to discipline, and that the system, which functioned from the sixth form (11-year olds) upwards, worked to everyone's satisfaction.

25. As a rule, school establishments were equipped to allow the physically disabled access and mobility. Those measures were part of the broader policy of facilitating access of the disabled to the city. On the subject of assistance to parents, in addition to financial assistance provided through the social security system, the Monegasque Association for the Physically Handicapped provided services of all kinds, from psychological assistance to transport services and the loan of equipment. Still on the subject of special conditions in schools, efforts were also being made to ensure that a pregnant girl who opted to keep her child could continue her studies in as normal conditions as possible.

26. Ms. GASTAUD (Monaco) said that a mediation mechanism, based on the French system, had been established to help couples with children. The mediator intervened in disputes between parents and children and sought to reconcile the parents' views in the event of divorce, with regard to custody and visiting rights, for example. All decisions taken through him or her must be based, above all, on the best interests of the child.

27. Mr. FAUTRIER (Monaco) confirmed that the Family Code did not as yet provide for total equality of the sexes, but that with the country's accession to the Convention on the Elimination of All Forms of Discrimination against Women the situation would evolve. The

legal services had begun work and legislative amendments would soon follow. The legal minimum age of marriage, set at 15 for girls, was a holdover from outdated provisions, which would be amended to take account of the current situation. On another matter, there were no recent examples of "reparatory marriages" concerning pregnant girls and everything was done to provide assistance, including material assistance, to women raising children alone.

28. Ms. GASTAUD (Monaco) said that the social security system was employment-based and that employers paid contributions on behalf of their employees. There were different systems: one covered Monaco's resident and non-resident private-sector employees and conferred the right to social-security benefits and family allowances. Self-employed persons were covered by a solidarity regime, in which allowances were apportioned on the basis of total contributions to the fund. Civil servants were covered by a special regime, which continued even after retirement and in the event of unemployment. Thus, everyone in Monaco was covered by one or other of the systems, with the exception of residents who did not work or who worked in another country where they were covered.

29. Lone women who had been covered by their spouses' regime received a reversion pension on reaching a certain age. Those who were unable to live on their income alone received a supplementary benefit until work was found for them, as well as an allowance for a dependent child.

30. Moreover, under social security agreements concluded between France and Italy, the two countries' regimes had been coordinated so as to provide social protection for children whose parents worked in either country.

31. Mr. FAUTRIER (Monaco) said that the Convention had entered into force by Sovereign Order and was referred to whenever a new children's law was enacted. For instance, the law amending the law governing nationality made explicit reference to the Convention in justifying the establishment of equality of the sexes in the transmission of nationality by filiation.

32. Ms. GASTAUD (Monaco) said that complaints from children were always heard first by the guardianship judge, an institution peculiar to Monaco, in accordance with the child-protection provisions of the Civil Code. That official received complaints and decided whether any action was needed. The institution of the guardianship judge enabled children to confide in an adult without lodging a complaint with the police, which would oblige them to answer questions and would make their statements official.

33. On the subject of pornography, as children were closely monitored at school, teachers and social workers should quickly detect any change in a child's behaviour and would attempt to find out what was wrong. Also, since it was impossible effectively to control access to pornographic films and pictures, efforts were being made to inculcate healthy living in children from an early age and steer them towards sport and away from drugs.

34. Mr. FAUTRIER (Monaco), replying to a question concerning refugees, said that given the Principality's accession to the 1951 Geneva Convention relating to the Status of Refugees,

the integration of the Monegasque territory into French territory and the French-Monegasque Convention on good-neighbourliness, refugee status was granted only to refugees recognized by the French asylum authorities. There were currently 30 refugees living in Monaco.

35. Ms. SARDENBERG requested further information on paedophilia and the situation of children born out of wedlock.

36. Ms. GASTAUD (Monaco) said that thus far no one had been prosecuted for acts of paedophilia in Monaco and no awareness campaign had been launched. The Government adopted a cautious attitude, considering it vital for children to be informed by qualified persons. There were plans to cooperate with the French services so as to draw on their experience and decide how best to address the issue in a country like Monaco, which had been spared that problem.

37. Mr. FAUTRIER (Monaco) stated that, from information he had received from the Monegasque prevention services and the police, the allegation published in certain Swiss newspapers to the effect that a Nice-based paedophile ring had branches in Monaco was false.

38. Children born out of wedlock enjoyed the same rights as children born to a married couple in all areas except inheritance.

39. Ms. SARDENBERG noted with satisfaction that the Monegasque delegation had answered all the questions put to it. The Committee would mention in its concluding observations the State Party's reservation and declaration with regard to certain articles of the Convention; the lack of a global strategy for the promotion of children's rights based on the Convention; follow-up mechanisms; and conformity of the domestic legislation with the Convention. On the subject of data collection, noting the importance granted to health and education in the report, she recommended that the State Party should accord equal attention to all aspects of the Convention, including the general principles, which were its cornerstone. She further urged the State Party to speed up the process for accession to the Convention on the Elimination of All Forms of Discrimination against Women. The age of marriage should be raised to 18 for girls and parental responsibility should be equally assigned. Child labour in a family setting should be monitored and the State Party should ratify ILO Conventions Nos. 132 and 182. Corporal punishment should be explicitly prohibited both in the home and at school, and an awareness campaign should be organized on the subject. Noting that the delegation had stressed violence in schools among children and against teachers, she pointed out that if such violence existed, it was because it occurred elsewhere, either in the family or in society. She stressed that NGOs, as representatives of civil society, generally monitored implementation of the Convention actively. However, Monegasque NGOs seemed to be a separate section of society, restricted to certain activities. Although the State Party had a largely traditional society, it had the means to change attitudes as required by the Convention, especially with regard to children's participation.

40. Mr. FAUTRIER (Monaco) welcomed the constructive dialogue that had taken place with the Committee. He agreed that Monegasque society was a traditional one, but said that many of its actors, including the Head of State himself, were endeavouring to modernize it. He acknowledged that NGOs did not participate in the implementation and follow-up of the

Convention; they targeted specific activities in Monaco and abroad. Efforts would be made to urge them to play a part. The reason his delegation had placed emphasis on violence at school was that, for the time being, the Principality had been spared urban and domestic violence. Membership of the ILO was currently under discussion and would most likely soon have a positive outcome.

41. The CHAIRPERSON expressed appreciation for the quality of the dialogue with the Monegasque delegation and urged the State Party to ensure that its initial report, its written replies and the concluding observations the Committee would be formulating were widely disseminated, in accordance with article 44, paragraph 6, of the Convention.

The meeting rose at 5.40 p.m.